

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Brenda L. Mutcherson,

Plaintiff,

vs.

Care Core National,

Defendant.

No. 9:11-cv-0833-RMG

**ORDER**

On February 29, 2012, Plaintiff Brenda L. Mutcherson, *pro se*, brought this action in the Southern District of Georgia, alleging various forms of discrimination against her on the part of Defendant Care Core National. (Dkt. No. 1 at 2). On the basis of proper venue, the case was transferred to this Court on March 22, 2012. (Dkt. No. 5). This matter was automatically referred to a Magistrate Judge for all pre-trial proceedings, in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(e), D.S.C.

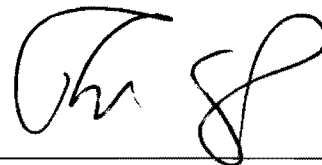
On October 18, 2012, Plaintiff moved the Court to enter default judgment against Defendant. (Dkt. No. 42). Defendant filed a response to the motion, arguing that it had timely responded to all Plaintiff's filings. (Dkt. No. 43). The Magistrate Judge issued a Report and Recommendation on October 29, 2012 recommending that Plaintiff's motion be denied because "there is no basis" under Federal Rule of Civil Procedure 55 "to hold the Defendant in default or to enter a default judgement against Defendant." (Dkt. No. 44 at 2). Plaintiff filed an objection to the Report and Recommendation, though she did not raise a specific dispute with the Magistrate Judge's analysis. (Dkt. No. 48).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–271 (1976). The Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1). In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the Magistrate Judge’s analysis and recommendations. *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The Magistrate Judge dutifully recounted the pertinent dates and deadlines of filings in this case, noting that Defendant timely filed a motion to dismiss or for more definite statement, and subsequently timely filed its answer. (Dkt. No. 44 at 1-2 (citing Dkt. Nos. 24, 25, 34, 37)). The Magistrate Judge consequently found no basis under Rule 55 for finding that Defendant has failed to “plead or otherwise defend,” Fed. R. Civ. P. 55, and therefore denied the motion.

Having reviewed the Magistrate Judge’s recitation of the facts, and its application of those facts to the pertinent legal standard, the Court concludes that the Magistrate Judge is correct and default judgment against Defendant is improper. The Court therefore adopts the Report and Recommendation as the Order of the Court. Accordingly, Plaintiffs’ motion for default judgment is DENIED.

**AND IT IS SO ORDERED.**




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Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
December 5, 2012